

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** November 16, 2012

**Agenda Item:** Prohibit methods to increase or enhance a boat's wake on Echo Lake

**Division:** Enforcement

**Action Needed:** Approval of Proposed Rule/Action

**Time Needed on Agenda for this Presentation:** 30 Minutes

### **Background**

The petition to prohibit methods to increase or enhance a boat's wake on Echo Lake, filed by Dorothy Veseth, Sue Hutz, Karen Kolar and Eugene Hutz, was received in a timely fashion. Echo Lake, located about 12 miles southeast of Kalispell, is a closed basin lake primarily fed by ground water with no outlet. Echo Lake has a very diverse group of users ranging from non-motorized vessels, anglers, and motorized boaters. Boat usage on Echo Lake by vessels designed to produce increased wake size for wake boarding and surfing activities has increased over the past several years. The vessels are traveling at a very low rate of speed, but throw an abnormally large wake. The wakes result in increased wave action, which in turn causes more shoreline damage.

### **Public Involvement Process & Result**

No formal public involvement so far.

### **Alternatives and Analysis**

#### No Action

- Pro: 1) All vessels would be allowed to continue recreating on the lake.
- Con: 1) There would continue to be damage from wakes on shorelines. 2) Conflicts among the wake-enhancing vessels, anglers, non-motorized boats and homeowners would continue.

#### Implement Petitioners' Proposal

- Pro: 1) Petitioners concerns are addressed. 2) Would decrease the wave action on the lake causing shoreline damage
- Con: 1) There is currently no regulation in Montana that prohibits this type of vessel. 2) Property owners on the lake currently with these vessels would not be allowed to operate them on Echo Lake.

### **Agency Recommendation & Rationale**

FWP agrees that large wakes produced by wake-enhancing boats result in increased shoreline damage. FWP, however, isn't certain the proposed language properly addresses the problem. FWP recommends that the commission seeks public comment on the petition.

### **Proposed Motion**

- I move the FWP Commission initiate rulemaking as written in the petition. Or,
- I move the FWP Commission deny the petition.